

### **REMARKS**

Claims 4-16 are pending in the subject application.

Claims 4-16 are subject to a restriction requirement and/ or an election of species requirement. In addition to responding to the restriction or election of species requirement, Applicant has also amended the subject application in the foregoing amendment as described herein.

The specification was amended in the foregoing amendment so as to in effect update the cross-noting paragraph previously added in the Preliminary Amendment dated July 15, 2003 that was filed along with the subject continuing application. Specifically the cross-noting paragraph is being updated herein to include the USP that corresponds to the patent application number identified in the cross-noting paragraph.

### **ELECTION REQUIREMENT**

The above referenced Office Action provides that the pending claims are directed to more than one patentably distinct species. Specifically, it is indicated that the claims are directed to the following species:

Species A, drawn to a homogenous aligned (horizontal and parallel aligned) two-domain liquid crystal display with two phase difference compensators;

Species B, drawn to a twisted aligned two-domain liquid crystal display with two phase difference compensators;

Species C, drawn to a homogenous aligned (horizontal and parallel aligned) two-domain liquid crystal display with three phase difference compensators;

Species D, drawn to a twisted aligned two-domain liquid crystal display with three phase difference compensators;

Species E, drawn to a homogenous aligned (horizontal and parallel aligned) two-domain liquid crystal display with four phase difference compensators;

Species F, drawn to a twisted aligned two-domain liquid crystal display with four phase difference compensators;

Species G, drawn to a homogenous aligned (horizontal and parallel aligned) two-domain liquid crystal display with five phase difference compensators;

Species H, drawn to a twisted aligned two-domain liquid crystal display with five phase difference compensators;

Species I, drawn to a homogenous aligned (horizontal and parallel aligned) two-domain liquid crystal display with six phase difference compensators;

Species J, drawn to a twisted aligned two-domain liquid crystal display with six phase difference compensators;

Species K, drawn to a homogenous aligned (horizontal and parallel aligned) liquid crystal display with a plurality of first domains, a plurality of second domains and two phase difference compensators;

Species L, drawn to a twisted aligned liquid crystal display with a plurality of first domains, a plurality of second domains and two phase difference compensators;

Species M, drawn to a homogenous aligned (horizontal and parallel aligned) liquid crystal display with a plurality of first domains, a plurality of second domains and three phase difference compensators;

Species N, drawn to a twisted aligned liquid crystal display with a plurality of first domains, a plurality of second domains and three phase difference compensators;

Species O, drawn to a homogenous aligned (horizontal and parallel aligned) liquid crystal display with a plurality of first domains, a plurality of second domains and four phase difference compensators;

Species P, drawn to a twisted aligned liquid crystal display with a plurality of first domains, a plurality of second domains and four phase difference compensators;

Species Q, drawn to a homogenous aligned (horizontal and parallel aligned) liquid crystal display with a plurality of first domains, a plurality of second domains and five phase difference compensators;

Species R, drawn to a twisted aligned liquid crystal display with a plurality of first domains, a plurality of second domains and five phase difference compensators;

Species S, drawn to a homogenous aligned (horizontal and parallel aligned) liquid crystal display with a plurality of first domains, a plurality of second domains and six phase difference compensators; and

Species T, drawn to a twisted aligned liquid crystal display with a plurality of first domains, a plurality of second domains and six phase difference compensators.

The Examiner further provided that there is no entirely generic claims. Applicant respectfully traverses that there is no generic claim for all the species or that there is no sub-generic claim for groups of species.

### **GENUS CLAIM**

As indicated above, Applicant respectfully traverses the assertion that no one claim is considered to be entirely generic. In this regard, Applicant would note that claim 4 is the only independent claim presently pending in the subject application. It thus necessarily follows that claim 4 must be generic to all species of the invention embodied in the various claims.

As such, it is submitted that if claim 4 is finally held allowable then all of the claims that are considered a claim of a non-elected specie should be re-joined and allowed.

### **ELECTION OF SPECIES**

In accordance with the above described election requirement, Applicant was requested under 35 U.S.C. §121 to elect a single disclosed species to which prosecution on the merits will be restricted to if no generic claim is finally held allowable.

Applicants submit that prosecution on the merits should be restricted to the following claims if the genus claim, claim 4, is not finally held allowable. In this regard, Applicant elects, without traverse, Species I which includes claims drawn to a homogenous aligned (horizontal and parallel aligned) two-domain liquid crystal display with six phase difference compensators, presently embodied in claims 4, 9, 10, 11, 13 and 16. In addition, Applicant also would request joinder of any intervening claims that intervene between claim 4 and claim 9 if claim 4 is finally held allowable.

### **OTHER MATTERS**

Applicant would note that an Information Disclosure Statement dated July 15, 2003 was filed along with the subject continuing application in the USPTO, which IDS pre-dates the above-referenced Office Action. Accordingly, Applicant respectfully requests that the Examiner reflect their consideration of this IDS in the next official communication on the merits from the USPTO. Applicant also respectfully requests the Examiner to call the undersigned collect and the below number in the event that this IDS has not been received by the Examiner and thus needs to be again submitted by Applicant for the Examiner's consideration.

Applicant: F. Shimoshikiryoh  
U.S.S.N.: 10/621,167  
RESPONSE TO OFFICE ACTION  
Page 8

It is respectfully submitted that the subject application is in a condition for allowance.

Early and favorable action is requested.

Applicant believes that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,  
Edwards & Angell, LLP

Date: May 27, 2004

By: William J. Daley, Jr.  
William J. Daley, Jr.  
(Reg. No. 35,487)  
P.O. Box 55874  
Boston, MA 02205  
(617) 439- 4444

Customer No. 21,874  
Bos2\_445514.1